

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

TRUMAN AUSTIN OGLE,)
)
Plaintiff)
)
v.) Case No. 4:15-cv-01343-VEH-HGD
)
WARDEN WAYNE ESTES, et al.,)
)
Defendants)

MEMORANDUM OPINION

The magistrate judge filed a report on December 28, 2016, recommending the defendants' motion for summary judgment on the plaintiff's Eighth Amendment conditions of confinement claims be granted. (Doc. 15). The magistrate judge further recommended that the plaintiff's Eighth Amendment conditions of confinement claims against "unknown Shift Supervisors, Rovers, and A-Block Officers" be dismissed for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1). (*Id.*). Although the parties were advised of their right to file specific written objections within fourteen (14) days, no objections have been received by the court.¹

¹ The report and recommendation was mailed to the plaintiff at St. Clair Correctional Facility in Springville, Alabama. (Doc. 15). However, it came to the court's attention that the plaintiff had been transferred to Bibb Correctional Facility in Brent, Alabama. By Order (Doc. 16) filed on January 17, 2017, the magistrate judge directed the Clerk to mail a copy of the report and

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the defendants' motion for summary judgment is due to be **GRANTED** as to the plaintiff's Eighth Amendment conditions of confinement claims, the court finding no genuine issues of material fact exist. Additionally, the plaintiff's Eighth Amendment conditions of confinement claims against "unknown Shift Supervisors, Rovers, and A-Block Officers" are due to be **DISMISSED WITHOUT PREJUDICE** for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1).

DATED this 16th day of March, 2017.


VIRGINIA EMERSON HOPKINS
United States District Judge

recommendation entered December 28, 2016, to the plaintiff at his current address. (*Id.*). The magistrate judge notified the plaintiff that he would have fourteen (14) days from the entry date of the January 17, 2017 Order to file objections to the report and recommendation. (*Id.* at 2). More than fourteen (14) days have elapsed, and the plaintiff has not filed any objections.